

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File Number EB-02-OR-302
)	
Greenwood Acres Baptist Church)	NAL/Acct. No.200332620004
Licensee of AM Broadcast Station KASO located)	
in Minden, Louisiana)	FRN 0007-7594-00
Shreveport, Louisiana)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Released: December 5, 2002

By the Enforcement Bureau, New Orleans Office:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (“NAL”), we find Greenwood Acres Baptist Church (“Greenwood”), licensee of AM broadcast station KASO, Minden, Louisiana, apparently liable for a forfeiture in the amount of seventeen thousand dollars (\$17,000) for willful violation of Sections 73.49 and 73.3526(a)(2) of the Commission's Rules (“Rules”).¹ Specifically, we find Greenwood apparently liable for failing to maintain an effective locked fence enclosing its antenna tower, and failing to maintain all required material in its public inspection file.

II. BACKGROUND

2. On September 12, 2002, an agent from the FCC Enforcement Bureau’s New Orleans Office inspected AM broadcast station KASO. During the inspection, the agent observed that, although KASO’s antenna tower has radiofrequency potential at the base, the gate on the fence enclosing the tower was not locked. Furthermore, there was a hole in a portion of the fence that rendered the fence ineffective. Additionally, the station’s public inspection file was missing most of the required material including the station’s most recent application to the Commission, a copy of the service contour map, a copy of the current ownership report, requests from candidates for political office, and the Issues/Programs Lists.

III. DISCUSSION

3. Section 73.49 of the Rules requires that antenna towers having radio frequency potential at the base must be enclosed within an effective locked fence or other enclosure. On September 12, 2002, the gate on the fence enclosing KASO’s tower was unlocked and a portion of the fence contained a hole which rendered the fence ineffective.

4. Section 73.3526(a)(2) of the Rules requires that every permittee or licensee of an AM, FM,

¹ 47 C.F.R. §§ 73.49 and 73.3526(a)(2).

TV or Class A TV station in the commercial broadcast services shall maintain a public inspection file containing the material, relating to that station, described in paragraphs (e)(1) through (e)(10) and (e)(13); and additionally, every commercial AM or FM station shall maintain for public inspection a file containing the material, relating to that station, described in paragraphs (e)(12) and (e)(14). On September 12, 2002, KASO's public inspection file was missing most of the required material including the station's most recent application to the Commission, a copy of the service contour map, a copy of the current ownership report, requests from candidates for political office, and the Issues/Programs Lists.

5. Based on the evidence before us, we find Greenwood willfully² violated Sections 73.49 and 73.3526(a)(2) of the Rules by failing to maintain an effective locked fence enclosing its antenna tower, and failing to maintain all required material in its public inspection file.

6. Pursuant to Section 1.80(b)(4) of the Rules,³ the base forfeiture amount for violations concerning AM tower fencing is \$7,000, and the base forfeiture amount for violations of the public file rules is \$10,000. In assessing the monetary forfeiture amount, we must also take into account the statutory factors set forth in Section 503(b)(2)(D) of the Communications Act of 1934, as amended ("Act"), which include the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.⁴ Considering the entire record and applying the factors listed above, this case warrants a \$17,000 forfeiture.

IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED THAT, pursuant to Section 503(b) of the Act,⁵ and Sections 0.111, 0.311 and 1.80 of the Rules,⁶ Greenwood Acres Baptist Church is hereby NOTIFIED of this APPARENT LIABILITY FOR A FORFEITURE in the amount of seventeen thousand dollars (\$17,000) for willful violation of Sections 73.49 and 73.3526(a)(2) of the Rules for failure to maintain an effective locked fence enclosing its antenna tower, and failure to maintain all required material in its public inspection file.

8. IT IS FURTHER ORDERED THAT, pursuant to Section 1.80 of the Rules, within thirty days of the release date of this NAL, Greenwood Acres Baptist Church SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

² Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that "[t]he term 'willful', when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act" See *Southern California Broadcasting Co.*, 6 FCC Rcd 4387-88 (1991).

³ 47 C.F.R. § 1.80(b)(4).

⁴ 47 U.S.C. § 503(b)(2)(D).

⁵ 47 U.S.C. § 503(b).

⁶ 47 C.F.R. §§ 0.111, 0.311, 1.80.

9. Payment of the forfeiture may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the NAL/Acct. No. and FRN referenced above. Requests for payment of the full amount of this NAL under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁷

10. The response, if any, must be mailed to Federal Communications Commission, Office of the Secretary, 445 12th Street SW, Washington DC 20554, Attn: Enforcement Bureau-Technical & Public Safety Division and MUST INCLUDE THE NAL/Acct. No. referenced above.

11. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices (“GAAP”); or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

12. Under the Small Business Paperwork Relief Act of 2002, Pub L. No. 107-198, 116 Stat. 729 (June 28, 2002), the FCC is engaged in a two-year tracking process regarding the size of entities involved in forfeitures. If you qualify as a small entity and if you wish to be treated as a small entity for tracking purposes, please so certify to us within thirty (30) days of this NAL, either in your response to the NAL or in a separate filing to be sent to the Technical & Public Safety Division. Your certification should indicate whether you, including your parent entity and its subsidiaries, meet one of the definitions set forth in the list provided by the FCC’s Office of Communications Business Opportunities (OCBO) set forth in Attachment A of this Notice of Apparent Liability. This information will be used for tracking purposes only. Your response or failure to respond to this question will have no effect on your rights and responsibilities pursuant to Section 503(b) of the Communications Act. If you have questions regarding any of the information contained in Attachment A, please contact OCBO at (202) 418-0990.

13. IT IS FURTHER ORDERED THAT a copy of this NAL shall be sent by regular mail and Certified Mail Return Receipt Requested to Greenwood Acres Baptist Church, 7480 Greenwood Road, Shreveport, Louisiana 71119.

FEDERAL COMMUNICATIONS COMMISSION

James C. Hawkins

⁷ See 47 C.F.R. § 1.1914.

District Director, New Orleans Office
Enforcement Bureau

Attachment